

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

The abstract is objected to as being too lengthy. The abstract has been amended and meets the requirements of MPEP § 608.01(b). Thus, the applicants respectfully request that the Examiner reconsider and withdraw this objection in view of the foregoing amendment.

Claims 6, 7, 13, 27, 28 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since the applicants respectfully submit that the claims (1 and 22) from which claims 6, 7, 13, 27, 28

and 34 depend are allowable over the cited art (See discussion below.), the applicants have not rewritten these claims.

Rejections under 35 U.S.C. § 102

Claims 1-5, 9-11, 14-16, 18-26, 30-32, 35-37 and 39-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,924,108 ("the Fein patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claim 1, as amended, is not anticipated by the Fein patent, because the Fein patent does not teach (1) a text identifier to determine text responsive to an executed query comprising one or more query terms, (2) a word marker to mark at least one word in identified phrase(s) within the text using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule, and (3) a word placer to place the at least one marked word into the summarized text subject to space restrictions.

Embodiments consistent with the claimed invention may provide a system and method for summarizing text/information for use in web-based content. The text/information to be summarized is first determined, by a text identifier, responsive to an executed search query. The determined text/information to be summarized may include, for example, text extracted from a) product descriptions, b) search results, and c) web content for use in advertising creatives or other space limited

applications. (See, e.g., figures 4A-4D.) The identified text/information may be summarized, for example, by identifying phrases within the text and **marking words within the identified phrases to be placed in the summarize text**. In at least some embodiments consistent with the present invention, individual **words within an identified phrase are marked using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule**. (See, e.g., page 19, line 1 through page 20, line 28 of the specification.)

By contrast, the Fein Patent concerns a document summarizer for a word processor. In the Fein patent, for a given text, the author initiates the document summarizer. (See col. 2, line 53 and col. 4, lines 28-30.) The document summarizer counts how frequently content words appear in a document and produces a table correlating the content words with their corresponding frequency counts. A sentence score for each sentence is derived by summing the frequency counts of the content words in a sentence and dividing that tally by the number of the content words in the sentence. The sentences are then ranked in order of their sentence scores for consideration in the summary. Thus, those sentences which contain the highest number of frequently used words in the document are generally considered to be the most useful for purposes of summarization and included in the summary. (See, e.g., the Abstract.)

As can be appreciated from the foregoing, the Fein patent does not teach a text identifier to determine text responsive to a query, which is subsequently summarized, as in the claimed invention. In the Fein patent, **for a**

given text, "[w]hen an author wishes to summarize a document, **the author initiates the document summarizer function on the word processing program.**" [Emphasis added.] (See col. 2, line 53 and col. 4, lines 28-30.) That is, the text to be summarized in the Fein patent is not determined responsive to a search query. Rather, it is determined responsive to an input by the author to initiate summarization for a given document.

Furthermore, the section of the Fein patent cited by the Examiner (col. 1, lines 30-42) describes a problem that the Fein patent attempts to address by summarizing documents; namely, that a person searching for documents regarding a particular topic would have to do a word search to find documents relevant to the topic and would possibly have to read the entire content of every document returned. Thus, if documents included summaries as described in the Fein patent, a person doing a search would only need to read the **already summarized document text**. The documents returned, and the text within those documents, are not then summarized as a result of the search described in the Fein patent. Thus, the Fein patent does not teach a text identifier to determine text, which is to be subsequently summarized, responsive to an executed query, as claimed.

The Fein patent also fails to teach a word marker to mark at least one word in the identified phrase(s) within the determined text using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule. The Examiner cites the Abstract and col. 2, lines 50-57 as teaching this feature. Specifically, the Examiner contends that the table produced in the Fein patent, which correlates

content words and the frequency at which they occur in the document, teaches a word marker to mark at least one word in the phrase. The applicants respectfully disagree.

In embodiments consistent with the present invention, the word marker may mark words in the identified phrase(s) which match the search terms in the query that was used to determine the text to be summarized. For example, assuming in response to a query that included the search terms "Acme" and "Broom," the text identifier determined the text "Acme Y2K Pro-Series Broom with Extendible Handle and one meter Sweep." The phrase identifier may, for example, determine that this text includes the phrases "Acme Y2K Pro-Series Broom" and "with Extendible Handle and one meter Sweep." The marked words, indicated in boldface, would include the search terms "Acme Y2K Pro-Series **Broom**" and "with Extendible Handle and one meter Sweep." (See, e.g., page 19, lines 1-23.)

Alternatively, or in addition, the word marker may also mark words in the identified phrase(s), in at least some embodiments consistent with the present invention, using a format rule. The format rule may include, for example:

the last significant word, if any, occurring subsequent to the matched words is identified and logically marked (block 137). In one embodiment, the last significant word is the rightmost word following the last marked word within the same phrase that matches the regular expression:
`"^\\W*([A-Z][a-z]+(-[A-Z][a-z]+)? | [A-Z]+ | [0-9]+)\\W*$,"` where `"^\\W*([A-`

Z][a-z]+(-[A-Z][a-z]+)?" matches a title-case word that could be hyphenated, "[A-Z]+" matches an uppercase word, and "[0-9]\W*\$" matches a number.

Page 19, lines 24-31. By way of continuing example, the marked words, indicated in boldface, would still include "Acme Y2K Pro-Series Broom" and "with Extendible Handle and one meter Sweep" and application of the regular expression would result in no further marked words.

By contrast, the cited table in the Fein patent merely stores a count of the number of times content words appeared in a given document. The words that appear in the table are not marked to be included in the summarized text *using at least one of a match of the at least one word with at least one word of the executed query, and a format rule as described above.* As can be appreciated from the foregoing, the marker in the present invention is clearly different than the word frequency table produced in the Fein patent.

Furthermore, the Examiner contends that the cue-phrase analyzer in the Fein patent teaches a matcher, which matches at least one word in an identified phrase with at least one word of the executed query. However, the cue-phrase analyzer merely identifies phrases that might render a sentence confusing if included in the summary. (See, the Fein patent, col. 6, lines 39-48.) The cue-phrase analyzer in the Fein patent does teach the matching of words in a phrase with at least one word of the executed query.

Finally, the Fein patent does not teach a word placer to place at least one matched or marked word in the summarized text subject to space restrictions. Only

entire sentences are included in the summary in the Fein patent. (See the Fein patent, col. 2, line 49 through col. 3, line 38.) Individual words or parts of sentences (e.g., phrases) are not included in the summary. In addition, there is no indication in the Fein patent that the summarized text is subject to any space restrictions. The summarized text appears at the beginning of the document before the start of the main text but does not appear to be limited at all. (See the Fein patent, col. 3, lines 34-38.)

In light of the foregoing remarks, independent claim 1, as amended, is not anticipated by the Fein patent. Corresponding method and apparatus claims 22 and 44, as amended, are similarly not anticipated by the Fein patent. Since claims 2-5, 9-10, 14-16 and 18-21 depend, either directly or indirectly, from claim 1, and since claims 23-26, 30-32, 35-37 and 39-43 depend, either directly or indirectly, from claim 22, these claims are similarly not anticipated by the Fein patent.

Rejections under 35 U.S.C. § 103

Claims 12 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of U.S. Patent No. 5,774,833 ("the Newman patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 12 and 33 depend from claims 1 and 22, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein patent with respect to claims 1 and 22, discussed above,

regardless of the scope of the purported disclosure in the Newman patent, and regardless of the absence or presence of a reason to combine. Consequently, claims 12 and 33 are not rendered obvious by the cited references for at least this reason.

Claims 17 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of U.S. Patent No. 5,694,559 ("the Hobson patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 17 and 38 depend from claims 1 and 22, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein patent with respect to claims 1 and 22, discussed above, regardless of the scope of the purported disclosure in the Hobson patent, and regardless of the absence or presence of a reason to combine. Consequently, claims 17 and 38 are not rendered obvious by the cited references for at least this reason.

Claims 45-47, 49, 50, 55-59, 61, 62 and 67-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of U.S. Patent No. 5,740,425 ("the Povilus patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 45, 57 and 70, as amended, are not rendered obvious by the Fein and Povilus patents because these references, either alone or in combination, do not teach or suggest a system for building Web-based

advertising creatives, which includes (1) an advertising server to identify at least one item description responsive to an executed query, (2) a phrase identifier to extract a name from the item description and to identify at least one phrase within the name, (3) a word marker to mark at least one word in identified phrase(s) within the text using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule, and (4) a word placer to place the at least one of a matched word or a marked word into the advertising creative subject to space restrictions.

In rejecting original claims 45, 57 and 70, the Examiner contends that these claims are similar in scope and content to that of claims 1, 22 and 44, respectively. Therefore, it is apparently the Examiner's position that claims 45, 57 and 70 are rejected for the reasons discussed with respect to claims 1, 22 and 44, except for the fact that Fein patent fails to "specifically address the use of text summarization in order to display item descriptions in a constrained space." Paper No. 20070827, page 8. The Examiner further contends that the Povilus patent teaches the use of text summarization in order to display item descriptions in a constrained space since it concerns "a text-searchable electronic product catalog in which a user can search through a large plurality of products within a catalog and return results based on query terms." Paper No. 20070827, page 8.

However, the combination proposed by the Examiner would not compensate for the deficiencies of the Fein patent with respect to claims 1, 22 and 44, discussed above, regardless of the scope of the purported

disclosure in the Povilus patent, and regardless of the absence or presence of a reason to combine. Consequently, claims 45, 57 and 70 are not rendered obvious by the cited references for at least this reason. Since claims 46, 47, 49, 50, 55 and 56 depend, either directly or indirectly, from claim 45, and since claims 57-59, 61, 62 and 67-69 depend, either directly or indirectly, from claim 57, these claims are not rendered obvious for the reasons discussed with reference to claims 45 and 57.

Claims 48 and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Povilus patent and further in view of U.S. Patent No. 6,181,909 ("the Burstein patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 48 and 60 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Burstein patent, and regardless of the absence or presence of a reason to combine. Consequently, claims 48 and 60 are not rendered obvious by the cited references for at least this reason.

Claims 51 and 63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Povilus patent and in further view of U.S. Patent No. 5,943,443 ("the Itonori patent"). The

applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 51 and 63 depend, indirectly, from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Itonori patent, and regardless of the absence or presence of a reason to combine. Consequently, claims 51 and 63 are not rendered obvious by the cited references for at least this reason.

Claims 52 and 64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Povilus patent and in further view of U.S. Patent No. 5,875,446 ("the Brown patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 52 and 64 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Brown patent, and regardless of the absence or presence of a reason to combine. Consequently, claims 52 and 64 are not rendered obvious by the cited references for at least this reason.

Claims 53 and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in

view of the Povilus patent and in further view of U.S. Patent Application Publication No. 2001/0039519 ("the Richards publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 53 and 65 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Richards publication, and regardless of the absence or presence of a reason to combine. Consequently, claims 53 and 65 are not rendered obvious by the cited references for at least this reason.

Claims 54 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Povilus patent and in further view of the Hobson patent. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 54 and 66 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Hobson patent, and regardless of the absence or presence of a reason to combine. Consequently, claims 54 and 66 are not rendered obvious by the cited references for at least this reason.

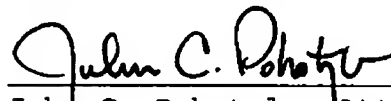
Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

January 14, 2008



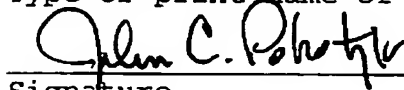
John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 542-9070

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification



Signature

January 14, 2008

Date